

Qwest Corporation  
Law Department  
(612) 672-8905-Phone  
(612) 672-8911-Fax

Jason D. Topp  
Corporate Counsel



February 16, 2006

Ms. Illona Jeffcoat-Sacco  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480

Re: Commercial Agreement for High Speed Internet Access between Qwest  
Corporation and New Edge Network Inc. d/b/a New Edge Networks

Dear Ms. Jeffcoat-Sacco:

I have enclosed for your information an agreement between Qwest and New Edge Networks in which Qwest leases its High Speed Internet Service, previously known as Qwest Digital Subscriber Line (Qwest DSL<sup>TM</sup>) Service. This agreement allows New Edge Networks to provide DSL in conjunction with compatible and available Resale and/or Unbundled Network Element Platform (UNE-P) services which are purchased separately under the terms and conditions of the applicable Interconnection Agreement.

On November 16, 2005, the Federal Communications Commission (FCC), issued its Report and Order and Notice of Proposed Rulemaking (the "Order" and the "NPRM," respectively) issued simultaneously in the *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities* proceeding, Docket No. 02-33 (and associated dockets). This Order determined that facilities-based wireline broadband Internet access service is an information service which permits Qwest to offer broadband Internet access services on either a Title I or Title II of the Communications Act. Qwest has elected to offer Qwest High Speed Internet Service on a Title I basis and has withdrawn its tariffed DSL offerings.

Accordingly, the service that is the subject of the enclosed agreement pertaining to DSL is neither a Section 251 service nor a "telecommunications" service under the Telecommunications Act. Thus, the DSL agreement does not fall within the Section 252 filing requirement under interpretive orders issued by this state's Commission and the FCC.

Ms. Illona Jeffcoat-Sacco

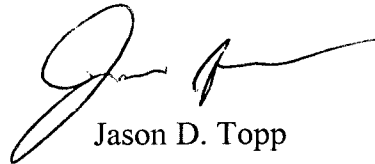
Page 2

February 16, 2006

Qwest encloses this agreement for informational purposes and in the spirit of cooperation with state commissions relating to the Section 252 filing requirement. This agreement is derived from a form or template document, and we anticipate that we may be executing the same agreement with other carriers in North Dakota. Absent notification from you that the Commission may have concerns about the regulatory treatment of this agreement, please note that we will not provide to you for informational purposes the same DSL agreement that we may execute with other carriers. However, we will be posting for review on the company's web site all the DSL agreements that we may execute with other carriers.

Please contact the undersigned if you have any questions or concerns about the attached agreement. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jason D. Topp', with a stylized flourish at the end.

Jason D. Topp

JDT/bardm

Enclosure

cc: Robert McMillin (via e-mail)  
Gina Buchholtz